



Docket No: AM100907 C1
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Beat T. Weber
Application No.: 10/750,196 Group Art No.: 1621
Filed: December 31, 2003 Examiner: S. Barts
For: Methods for Preparing O-desmethylvenlafaxine
Confirmation No.: 9169
Customer Number: 25291

Mail Stop Amendment
Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

This is response to the Final Office Action issued in connection with this case. A three month extension of time is submitted herewith extending the time for response to and through December 15, 2005.

Claims 1 and 2 were rejected under 35 USC 102(b) as anticipated by or, in the alternative, obvious over Husbands ('186) and Jerussi (WO 00/59851) because it was maintained that it is reasonable to expect that crystalline ODV was made by the prior art. Applicants respectfully traverse this rejection.

Neither Husbands nor Jerussi teach crystalline O-desmethylvenlafaxine free base.

Jerussi does not describe ODV base as a crystalline material. Jerussi describes a process whereby ODV is extracted as a hydrochloride salt with ethyl acetate. Thereafter the HCl salt as a colorless solid is produced by evaporating a dilute solution of the hydrochloride salt in ethyl acetate. ODV free base was not precipitated, perhaps because Jerussi's adjustment to pH 6.8-6.9 was not close to the zwitterionic point at which ODV base is precipitated (at around pH 9.5).

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ED870507065US addressed to the Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

12-14-05

John R. Barker